

CLOSED

**U.S. District Court
Northern District of Florida - District Version 2.5 (Tallahassee)
CRIMINAL DOCKET FOR CASE #: 4:06-mj-00105-WCS-ALL
Internal Use Only**

Case title: USA v. MARTINEZ-RAMIREZ Date Filed: 07/24/2006
Other court case number: 1:06mj10-DRB
MDAL

Assigned to: MAGISTRATE
JUDGE WILLIAM C
SHERRILL, JR

Defendant

OSCAR
MARTINEZ-RAMIREZ (1)
TERMINATED: 07/25/2006

represented by **RANDOLPH P MURRELL**
FEDERAL PUBLIC
DEFENDER OFFICE -
TALLAHASSEE FL
227 N BRONOUGH ST - STE
4200
TALLAHASSEE, FL 32301
850/942-8818
Fax: 942-8809
Email:
Randolph_Murrell@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender
or Community Defender
Appointment

CERTIFIED A TRUE COPY
WILLIAM M. McCOOL, Clerk
By: Angela Murrell
Deputy Clerk

Pending Counts

Disposition

None

**Highest Offense Level
(Opening)**

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Disposition

Complaints

None

Plaintiff

USA

represented by **WINIFRED ACOSTA
NESMITH**
US ATTORNEY -
TALLAHASSEE FL
111 N ADAMS ST
4TH FL
TALLAHASSEE, FL 32301
850/942-8430
Fax: 942-8448
Email:
winifred.nesmith@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Date Filed	#	Docket Text
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07/24/2006	<u>1</u>	*SEALED* Copy of Criminal Complaint as to OSCAR MARTINEZ-RAMIREZ received from MDAL 1:06mj70 (Attachments: # <u>1</u> Affidavit)(amm, Tallahassee) (Entered: 07/25/2006)
07/24/2006	<u>4</u>	Minute Entry for proceedings held before Judge WILLIAM C SHERRILL JR:Initial Appearance in Rule 5(c)(3) Proceedings as to OSCAR MARTINEZ-RAMIREZ held on 7/24/2006 (Court Reporter cd 2006-3.) (amm, Tallahassee) Additional attachment(s) added on 7/25/2006 (amm, Tallahassee). (Entered: 07/25/2006)
07/24/2006	<u>2</u>	INTERPRETER'S WRITTEN OATH by Maria Jimenez as to OSCAR MARTINEZ-RAMIREZ (amm, Tallahassee) (Entered: 07/25/2006)
07/24/2006	<u>3</u>	ORDER OF DESIGNATION: Maria Jimenez appointed in case as to OSCAR MARTINEZ-RAMIREZ . Signed by Judge WILLIAM C SHERRILL JR on 7/24/06. (amm, Tallahassee) Additional attachment(s) added on 7/25/2006 (amm, Tallahassee). (Entered: 07/25/2006)
07/24/2006	<u>5</u>	CJA 23 Financial Affidavit by OSCAR MARTINEZ-RAMIREZ (PDF sealed per Privacy Policy) (amm, Tallahassee) Additional attachment(s) added on 7/25/2006 (amm, Tallahassee). (Entered: 07/25/2006)
07/24/2006	<u>6</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to OSCAR MARTINEZ-RAMIREZ. Signed by Judge WILLIAM C SHERRILL JR on 7/24/06. (amm, Tallahassee) (Entered: 07/25/2006)
07/24/2006	<u>7</u>	WAIVER of Rule 5 Hearings by OSCAR MARTINEZ-RAMIREZ (amm, Tallahassee) (Entered: 07/25/2006)

07/24/2006	<u>8</u>	ORDER OF DETENTION as to OSCAR MARTINEZ-RAMIREZ Detention Hearing set for 7/25/2006 03:00 PM in Courtroom 2 before MAGISTRATE JUDGE WILLIAM C SHERRILL JR. Signed by Judge WILLIAM C SHERRILL JR on 7/24/06. (amm, Tallahassee) (Entered: 07/25/2006)
07/25/2006	<u>9</u>	Minute Entry for proceedings held before Judge WILLIAM C SHERRILL JR:Detention Hearing as to OSCAR MARTINEZ-RAMIREZ held on 7/25/2006, Preliminary Examination as to OSCAR MARTINEZ-RAMIREZ held on 7/25/2006 (Court Reporter cd 2006-3.) (amm, Tallahassee) (Entered: 07/25/2006)
07/25/2006	<u>10</u>	ORDER OF DETENTION as to OSCAR MARTINEZ-RAMIREZ . Signed by Judge WILLIAM C SHERRILL JR on 7/25/06. (amm, Tallahassee) (Entered: 07/27/2006)
07/25/2006	<u>11</u>	COMMITMENT TO ANOTHER DISTRICT as to OSCAR MARTINEZ-RAMIREZ. Defendant committed to District of MDAL. Signed by Judge WILLIAM C SHERRILL JR on 7/25/06. (amm, Tallahassee) (Entered: 07/27/2006)
07/25/2006		***Criminal Case Terminated, ***Terminated defendant OSCAR MARTINEZ-RAMIREZ, pending deadlines, and motions. (amm, Tallahassee) (Entered: 07/27/2006)

UNITED STATES DISTRICT COURT

Northern

District of

Florida

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER DISTRICT

OSCAR MARTINEZ-RAMIREZ

DOCKET NUMBER

MAGISTRATE/JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

WCS
B

4:06mj105-WCS

1:06mj70-DRB

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

 Indictment Information Complaint Other (specify)

charging a violation of 21 U.S.C. § 841(a)(1)

DISTRICT OF OFFENSE

MIDDLE DISTRICT OF ALABAMA (Montgomery Division)

DESCRIPTION OF CHARGES:

Knowingly and intentionally possessing with intent to distribute methamphetamine, a Schedule II Controlled Substance

CURRENT BOND STATUS:

Bail fixed at _____ and conditions were not met
 Government moved for detention and defendant detained after hearing in District of Arrest
 Government moved for detention and defendant detained pending detention hearing in District of Offense
 Other (specify) _____

Representation: Retained Own Counsel Federal Defender Organization CJA Attorney NoneInterpreter Required? No Yes Language: _____

DISTRICT OF FLORIDA (NORTHERN)

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

July 25 2006
Date

United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA,

vs.

**N.D. FLA. CASE NO. 4:06mj105-WCS
M.D. ALA. CASE NO. 1:06mj70-DRB**

OSCAR MARTINEZ-RAMIREZ,

Defendant.

/

ORDER OF DETENTION PENDING TRIAL

The United States has moved pursuant to the Bail Reform Act, 18 U.S.C. § 3142(f), that the above named Defendant be detained before trial. After a hearing, the following findings are made:

1. There is probable cause to believe that the Defendant has committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(A)(1). Based on this finding, a statutory presumption arises that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community. 18 U.S.C. § 3142(e).
2. Defendant has been illegally in this country for 10 years. He is a citizen of Mexico and has family there. Defendant has a wife and child in Alabama. Defendant

WV

Page 2 of 3

does not live with his wife, and does not know (or will not reveal) her location. He lives in a residence in Malvern, Alabama, where he has been selling drugs. He works as a brick mason. He also has been selling pounds of methamphetamine. This is concluded from evidence provided to the investigating DEA agent and the pendency of drug charges over a period of nearly a year and in both Alabama and Florida. In addition to the charges in this case, he has drug charges pending in Alabama arising from an arrest on September 7, 2005, during which he gave a false name, and in Washington County, Florida, from an arrest on July 2, 2006, for possession of amphetamine with intent to sell.

3. Defendant has not rebutted the presumption in paragraph one that there is no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community.

Accordingly, it is **ORDERED** that Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the

Page 3 of 3

facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DONE AND ORDERED on July 25, 2006.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

United States District Court

CRIMINAL MINUTES - GENERAL

Case # 4:06mj105-WCSDate July 25, 2006

DOCKET ENTRY: Hearing Held

3:04 - 3:24 p.m.

Spanish Interpreter Maria Jimenez present
Court finds probable cause and grants motion for detention

PRESENT: HONORABLE William C. Sherrill, Jr., United States Magistrate JudgeAngie Maxwell
Deputy ClerkScott MacKinlay
USPOcd 2006-3
Court ReporterWinifred Nesmith
Asst. U.S. Attorney

U.S.A. v. (Defendant Listed Below)

Attorney For Defendant

OSCAR MARTINEZ-RAMIREZ
 Present Custody Bond O/RRandy Murrell
 Apptd. Retained present

PROCEEDINGS: Detention Hearing Held

3:04 Court in Session
3:06 Government witness:
 Devin Whittle, sworn, direct
3:17 Cross by Defense
3:23 Argument by Defense
3:23 Court finds Probable Cause and grants motion for detention
3:24 Court adjourned

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

Middle District of Alabama
CASE NO. 1:06mj70-DRS

OSCAR MARTINEZ-RAMIREZ,

DOCKET NO. 4:06mj105-WCS

Defendant.

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT TO
BAIL REFORM ACT

The Government has moved for the detention of this Defendant pursuant to the Bail Reform Act and has requested a continuation of the detention hearing.

Accordingly, it is ORDERED that a detention/preliminary hearing is set for **Tuesday, July 25, 2006, beginning at 3:00 P.M.**, before the undersigned magistrate judge. Pending this hearing, the defendant shall be held in custody by the United States Marshal. The United States Marshal is hereby directed to have the Defendant in the U.S. Courthouse on the above date.

DONE AND ORDERED on July 24, 2006.

S/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

NORTHERNDISTRICT OFFLORIDA

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

V.

OSCAR MARTINEZ-RAMIREZ

Defendant

CASE NUMBER: 4:06mj105-WCSCHARGING DISTRICTS 1:06mj70-DRA
CASE NUMBER:

I understand that charges are pending in the Middle District of Alabama alleging violation of 21 U.S.C. Section 841(a)(1) and that I have been arrested in this district and (Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

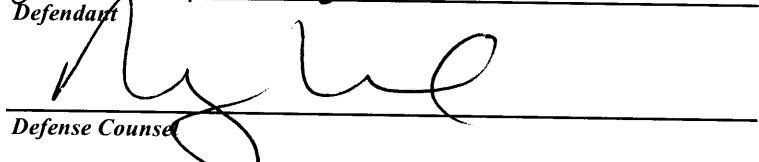
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing
 preliminary hearing
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

7/24/06

Date

OSCAR MARTINEZ
Defendant

Defense Counsel

SCANNED/POSTED/RETURNED IN FLND

Date _____ By _____



IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA

Middle District of Alabama
CASE NO. 1:06mj70-DRS

OSCAR MARTINEZ-RAMIREZ,

DOCKET NO. 4:06mj105-WCS

Defendant.

/

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Defendant has shown by sworn evidence that he qualifies for appointment of counsel. Accordingly, it is ORDERED that **RANDOLPH P. MURRELL**, Federal Public Defender, 227 N. Bronough Street, Room 4200, Tallahassee, Florida 32301, (850) 942-8818, is appointed to represent this defendant. If a Criminal Justice Act (CJA) panel attorney is selected by the Public Defender as Defendant's attorney, this order authorizes payment of the CJA attorney for work on behalf of Defendant from the time that attorney was contacted by the Public Defender to take the case and agreed to take the case, even though that work predated this order.

DONE AND ORDERED on July 24, 2006.

S/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

FINANCIAL AFFIDAVITCJA 23
(Rev. 5/98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES
IN THE CASE OF MAGISTRATE DISTRICT APPEALS COURT or OTHER PANEL (Specify below)

USA vs. Martinez-Ramirez

FOR NOFL
AT Tallahassee

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Oscar Martinez-Ramirez

CHARGE/OFFENSE (describe if applicable & check box →) Felony Misdemeanor

1 Defendant - Adult
 2 Defendant - Juvenile
 3 Appellant
 4 Probation Violator
 5 Parole Violator
 6 Habeas Petitioner
 7 2255 Petitioner
 8 Material Witness
 9 Other (Specify) _____

DOCKET NUMBERS

Magistrate

4:06mj105-wcs

District Court

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY**EMPLOY-
MENT**Are you now employed? Yes No Am Self Employed

Name and address of employer: Mack Construction, Dothan, AL

IF YES, how much do you earn per month? \$ 500/wk IF NO, give month and year of last employment

How much did you earn per month? \$ _____

If married is your Spouse employed? Yes No

IF YES, how much does your Spouse earn per month? \$ 180/wk If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____

ASSETS**OTHER
INCOME**Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? Yes No

IF YES, GIVE THE AMOUNT

RECEIVED

SOURCES

RECEIVED & IDENTIFY \$ _____

THE SOURCES _____

CASHHave you any cash on hand or money in savings or checking account Yes No IF YES, state total amount \$ _____**PROP-
ERTY**Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

VALUE

DESCRIPTION

IF YES, GIVE THE VALUE AND \$ 2,500

95 mustache

DESCRIBE IT _____

**OBLIGATIONS
& DEBTS****DEPENDENTS**

MARITAL STATUS

 SINGLE MARRIED WIDOWED SEPARATED OR
DIVORCEDTotal
No. of
Dependents

1

List persons you actually support and your relationship to them

Sophia Martinez (Daughter)

**DEBTS &
MONTHLY
BILLS**(LIST ALL CREDITORS,
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)APARTMENT
OR HOME:

Creditors

Total Debt

Monthly Payt.

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

I SCANNED THIS FORM UNDER PENALTY OF PERJURY. The foregoing is true and correct. Executed on (date) 7-24-06

Date _____

SIGNATURE OF DEFENDANT
By Oscar Martinez

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UNITED STATES DISTRICT COURT**CRIMINAL MINUTES – FIRST APPEARANCE ON REMOVAL**Case No. 4:06mj105-WCS Date: July 24, 2006Docket Entry: **IA Removal****-Public defender appointed****-Preliminary and Detention hearings scheduled for 7/25/06 at 3:00 p.m.****PRESENT:** Honorable William C. Sherrill, United States Magistrate JudgeAngie Maxwell
Deputy ClerkScott Mackinlay
USPOCD 2006-3
Tape No./Court ReporterWinifred Nesmith
Asst. U.S. Attorney**U.S.A. v. (Defendants listed below)****Attorneys for Defendants:**(1) OSCAR MARTINEZ-RAMIREZ
X present X custody bond O/R(1) Randy Murrell
X present X appointed retained

X Defendant advised that he/she is before a U.S. Magistrate Judge
X Defendant advised of charges, penalties and fines
X Defendant advised of right to remain silent and consult with an attorney before making any statement
X Defendant advised of his right to hire counsel
X Defendant executes a CJA Form 23 and swears that it is accurate
X Order appointing Public Defender entered for these proceedings
 Deft waived counsel to be present at hearing
 Defendant retained his/her own counsel: _____
X Advised of right to a preliminary hearing
X Preliminary hearing scheduled for 7/25/06 at 3:00 p.m.
X Preliminary hearing waived
X Defendant advised of his/her right to bail
X Government moves for pretrial detention
X Detention hearing scheduled for: 7/25/06 at 3:00 p.m.
 Detention hearing held
 Defendant released on order setting conditions of release (see order)
 Defendant detained (see order)
X Advised of right to a removal hearing
 Removal hearing held
X Removal hearing waived

Initials of Deputy Clerk: AMM

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UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

UNITED STATES OF AMERICA,

VS.

CASE NO. 4:06mj105-WCS

OSCAR MARTINEZ-RAMIREZ,

ORDER OF DESIGNATION

The Court finds that pursuant to Rule 604 of the Federal Rules of Evidence, that is a qualified expert as a bilingual interpreter for the **Spanish** language, and that the defendant in this cause is unable to comprehend the English language.

Therefore, pursuant to the Court Interpreters Act it is:

ORDERED, that **Maria Jimenez** is hereby designated as an interpreter in this cause to provide the defendant with those services necessary to enable him/her to comprehend these proceedings, in the Courtroom or in Chambers, to present his/her testimony; to communicate with the presiding judicial officer; to communicate with the probation officer; and to communicate with counsel in the Courtroom, in Chambers, or in the immediate environs of the Courtroom in connection with the ongoing proceedings in this case before the presiding officer.

DONE AND ORDERED this 24th day of July, 2006.

s/William C. Sherrill, Jr.

WILLIAM C. SHERRILL, JR.

UNITED STATES MAGISTRATE JUDGE

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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 4:06mj 15-WCS

OSCAR MARTINEZ-RAMIREZ

INTERPRETER'S WRITTEN OATH

**ON MY WORD OF HONOR, AS OFFICIAL COURT INTERPRETER AND OFFICER OF
THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA;
I, SWEAR OR AFFIRM TO BE TRUE TO THE CODE OF ETHICS OF MY PROFESSION, AND TO DISCHARGE
FAITHFULLY THE FOLLOWING SOLEMN DUTIES AND OBLIGATIONS:**

I WILL interpret accurately and faithfully to the best of my ability. I will convey the true meaning of the words, phrases, and statements of the speaker, and I will pay special attention to variations of the target language due to educational, cultural and regional differences.

I WILL never interject my own words, phrases, or views and if the need arises to paraphrase any statements in order to convey the proper meaning, I will do so only after the presiding judicial officer has granted permission.

I WILL familiarize myself with the case as much as possible prior to going into the Courtroom. I will inquire whether the language in the case will involve terminology of a technical nature or a particular vernacular that would require special preparation. I Will study Indictments or charges to avoid possible interpretation problems during formal proceedings.

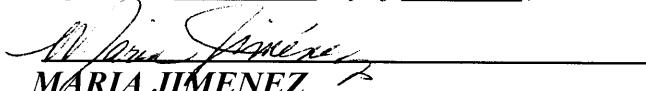
I WILL speak in a clear, firm and well modulated voice, and when using inflections, I will be particularly careful not to allow them to be interpreted as partiality. I will employ the techniques of interpretation best suited to the situation at hand or according to the needs or wishes of those utilizing my services.

I WILL adopt a conservative manner of dress and conduct in upholding the dignity of the Court and of my profession, particularly when attention is upon me in the Courtroom. I will familiarize myself thoroughly with all the local rules and I will abide by them.

I WILL strive constantly to improve my knowledge of legal terminology in English and in the language I interpret, and to be familiar with general courtroom procedures, so that in addition to interpreting, I may when time and conditions permit and with the permission of the presiding judicial officer explain to those for whom I interpret what is occurring in the courtroom.

**I WILL personally be responsible for having the proper dictionaries and other linguistic reference materials readily available for consultation when required.
So Help Me God.**

Signed this 24th day of July, 2006.


MARIA JIMENEZ

SCANNED/POSTED/RETURNED IN FLND

Date _____ By _____